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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,427	06/12/2001	Takaaki Konishi	2001_0741A	2296
513	7590	01/19/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			LIU, SHUWANG	
2033 K STREET N. W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20006-1021			2634	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/878,427	<b>Applicant(s)</b> KONISHI ET AL.	
	<b>Examiner</b> Shuwang Liu	<b>Art Unit</b> 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2 –6 are objected to because of the following informalities:

In claims 2, lines 4-5 and 7, claim 3, lines 4-5 and line 9, the examiner suggest changing “following frequency fluctuations thereof” to - - processing of eliminating frequency fluctuations- - in order to be consistent with the specification (see pages 23-24) and better understanding.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 3-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

(1) regarding claim 3:

The specification does not describe that “said first automatic gain control amplification means amplifies said digital modulated signal wave by following frequency fluctuations thereof.” The specification only describes that the first automatic gain

control amplification means "with gain controlled but without frequency fluctuations eliminated" (see page 22).

(2) regarding claim 7:

The specification and figures do not describe second automatic gain control amplification means "generating a third modulated signal." As shown in figures, the second automatic gain control amplification means received a demodulated signal. There is no modulator to generate the third modulated signal.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Maalej et al. (US 6,545,532) (whereby "a third modulated signal" as recited in claim 7 is interpreted to be "a demodulated signal").

As shown in figures, 1, 2 and 5, Maalej et al. discloses a digital broadcast receiving apparatus for amplifying a digital modulated signal wave propagated through air with gain automatically adjusted to have a predetermined amplitude, and demodulating the modulated signal wave to a digital signal, said apparatus comprising:

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(1) regarding claims 1 and 7:

tuner means (96) for frequency-converting said received digital modulated signal wave into a first modulated signal (IF);

first automatic gain control amplification means (AGC1 10) for controlling gain of said tuner means to make a level of said first modulated signal at a first predetermined level (column 6, lines 9-16);

A/D conversion means (25) for converting, analog to digital, said first modulated signal into a second modulated signal (14);

demodulation means (30 and 35) for demodulating said second modulated signal into a first demodulated digital signal (I and Q); and

second automatic gain control amplification means (AGC2 20 and 50) for amplifying a level of said first demodulated digital signal to be at a second predetermined level, and generating a second demodulated digital signal (column 5, lines 36-54 and column 6, lines 46-65).

(2) regarding claim 2:

wherein said first automatic gain control amplification means amplifies said digital modulated signal wave without frequency fluctuations eliminating processing (column 6, lines 9-16), and generates said first modulated signal, and said second automatic gain control amplification means amplifies said first demodulated digital signal by frequency fluctuations eliminating processing, and generates said second demodulated digital signal (column 5, lines 36-54, column 6, lines 46-65 and column 7, lines 18-37).

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**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shuwang Liu whose telephone number is 571 272-3036. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shuwang Liu  
Primary Examiner  
Art Unit 2634

January 14, 2005